

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DEXLON CHARLES, *on behalf of himself,*  
*FLSA Collective Plaintiffs, and the Class,*

Plaintiff,

-against-

Case No.: 1:22-cv-04232

PINNACLE TOO, LLC  
d/b/a PINNACLE ELECTRIC,  
AGIR ELECTRICAL, LTD.  
d/b/a PINNACLE ELECTRIC,  
FRANKCRUM 6, INC.  
d/b/a FRANKCRUM,  
FRANK CRUM JR., and  
ANTONY GIRONTA,

**STIPULATION OF**  
**DISCONTINUANCE**  
**WITHOUT PREJUDICE**  
**F.R.C.P. 41(a)(1) (A)(ii)**

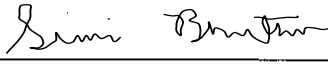
Defendants.

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**IT IS HEREBY STIPULATED AND AGREED**, by and between the parties, through their respective counsel, that the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”) wage claims of Opt-in Plaintiff SAMMY KISTOO, are hereby dismissed **without** prejudice, as against Defendants PINNACLE TOO, LLC d/b/a PINNACLE ELECTRIC, AGIR ELECTRICAL, LTD d/b/a PINNACLE ELECTRIC, FRANKCRUM 6, INC. d/b/a FRANKCRUM, FRANK CRUM JR., and ANTONY GIRONTA, without costs or attorneys’ fees to any party, pursuant Federal Rule of Civil Procedure 41(a)(1)(A)(ii). There has been no settlement of any kind between opt-in Plaintiff SAMMY KISTOO and any of the Defendants being dismissed herein.

For the avoidance of doubt, Plaintiff DEXLON CHARLES and all other opt-in Plaintiffs maintain their claims against Defendants PINNACLE TOO, LLC d/b/a PINNACLE ELECTRIC, AGIR ELECTRICAL, LTD d/b/a PINNACLE ELECTRIC, FRANKCRUM 6, INC. d/b/a FRANKCRUM, FRANK CRUM JR., and ANTONY GIRONTA.

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Date: May 21, 2024

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Date: May 21, 2024

*Attorney for Defendants*  
*Frank Crum 6, Inc. & Frank Crum, Jr.*

SO ORDERED

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Hon. Jennifer E Willis U.S.M.J.